

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY

the specification of which (check only one item below):

☐ is attached hereto

☒ was filed as United States application

Serial No. to be assigned

on May 30, 1995

and was amended

on _____

☐ was filed as PCT international application

Number _____

on _____

and was amended under PCT Article 19

on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

Attorney's Docket Number:

6766.220-US

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT
UNDER 35 U.S.C. 120:

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405</
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1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405</
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Steve T. Zelson
(212) 867-0123

[illegible]

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications)				Attorney's Docket Number: 3766.220-US
5	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
6	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
7	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
8	Full Name of Inventor	Family Name	First Given Name	Second Given Name
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	Post Office Address	Post Office Address	City	State & Zip Code/Country
	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.				
Signature of Inventor 1		Signature of Inventor 2		Signature of Inventor 3
Date		Date		Date
Signature of Inventor 4		Signature of Inventor 5		Signature of Inventor 6
Date		Date		Date
Signature of Inventor 7		Signature of Inventor 8		Signature of Inventor 9
Date		Date		Date

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY

the specification of which (check only one item below):

☐ is attached hereto

☒ was filed as United States application

Serial No. to be assigned

on May 30, 1995

and was amended

on _____

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on _____

and was amended under PCT Article 19

on _____

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PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes Reference to PCT International Applications)

3766.220-US

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	Patented	Pending	Abandoned
07/971,786	November 5, 1992			x
07/990,202	December 14, 1992			x
08/095,240	July 20, 1993			x
08/146,852	November 3, 1993		x	
PCT APPLICATIONS DESIGNATING THE U.S.				
APPLICATION NO.	FILING DATE	US SERIAL NUMBERS ASSIGNED (if any)		

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.
 Steve T. Zelson Elias J. Lambiris Cheryl H. Agris Karen A. Lowney James J. Harrington
 Reg. No. 30,335 Reg. No. 33,728 Reg. No. 34,086 Reg. No. 31,274 Reg. No. 38,711

Send Correspondence to: Steve T. Zelson, Esq. Novo Nordisk of North America, Inc. 405 Lexington Avenue, Suite 6400 New York, New York 10174-6400				Direct Telephone Calls To: Steve T. Zelson (212) 867-0123	
1	Full Name of Inventor	Family Name Outtrup	First Given Name Helle	Second Given Name	
	Residence & Citizenship	City DK-2750	State or Foreign Country Denmark	Country of Citizenship Denmark	
	Post Office Address	Post Office Address Syvendehusvej 46	City DK-2750 Ballerup	State & Zip Code/Country Denmark	
2	Full Name of Inventor	Family Name Lidster	First Given Name William	Second Given Name D.	
	Residence & Citizenship	City Sacramento	State or Foreign Country California	Country of Citizenship U.S.A.	
	Post Office Address	Post Office Address 4641 D Street	City Sacramento	State & Zip Code/Country California 95819/U.S.A.	
3	Full Name of Inventor	Family Name MacIntosh	First Given Name Susan	Second Given Name C.	
	Residence & Citizenship	City Woodland	State or Foreign Country California	Country of Citizenship U.S.A.	
	Post Office Address	Post Office Address 908 Deborah Street	City Woodland	State & Zip Code/Country California 95695/U.S.A.	
4	Full Name of Inventor	Family Name Starnes	First Given Name Robert	Second Given Name L.	
	Residence & Citizenship	City Sacramento	State or Foreign Country California	Country of Citizenship U.S.A.	
	Post Office Address	Post Office Address 418 Rio del Oro Lane	City Sacramento	State & Zip Code/Country California 95825/U.S.A.	

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications)				Attorney's Docket Number: 3766.220-US	
5	Full Name of Inventor	Family Name Manker	First Given Name Denise	Second Given Name Carol	
	Residence & Citizenship	City Davis	State or Foreign Country California	Country of Citizenship U.S.A.	
	Post Office Address	Post Office Address 3037 Prado Lane	City Davis	State & Zip Code/Country California 95616/U.S.A.	
6	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
	Post Office Address	Post Office Address	City	State & Zip Code/Country	
7	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
	Post Office Address	Post Office Address	City	State & Zip Code/Country	
8	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
	Post Office Address	Post Office Address	City	State & Zip Code/Country	
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<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>					
Signature of Inventor 1		Signature of Inventor 2		Signature of Inventor 3	
Date		Date		Date	
14/6 1995					
Signature of Inventor 4		Signature of Inventor 5		Signature of Inventor 6	
Date		Date		Date	
Signature of Inventor 7		Signature of Inventor 8		Signature of Inventor 9	
Date		Date		Date	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. Outtrup *et al.*) Attorney Docket No.: 5910.US.C4
) VAL6131P0208AUS
Serial Number: unassigned, continuation)
of U.S. Patent Application Serial No.)
09/013,375)
) Group Art Unit: unassigned
Filing Date: May 15, 2001)
) Examiner: unassigned
Re: Mutants Which Produce a Potentiator)
of *Bacillus* Pesticidal Activity)

DECLARATION AS TO THE DEPOSIT OF A MICROORGANISM

Commissioner for Patents
Washington, D.C., 20231

Dear Sir:

I hereby declare:

1. that I, Martin L. Katz, am the attorney of record in the above-mentioned U.S. Patent Application, (which is a continuation of U.S. Patent Application Serial No. 09/013,375) entitled "Mutants Which Produce a Potentiator of *Bacillus* Pesticidal Activity" filed on May 15, 2001 in the United States Patent and Trademark Office;
2. that a culture of strains EMCC 0086, EMCC 0087, EMCC 0129 and EMCC 0130 has been deposited according to the Budapest Treaty with the Agricultural Service Patent Culture Collection, Northern Regional Research Center, University Street, Peoria, IL,

61604, USA;

3. that the deposit meets the criteria set forth in 37 C.F.R. Sections 1.801-1.809, which deposits designated as deposit Accession Numbers NRRL B-21147; NRRL B-21148; NRRL B-21445 and NRRL B-21444 respectively;
4. that the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Sec. 122;
5. that upon issuance of a patent on the above-identified application, all restrictions as to public availability of the culture deposit will be irrevocably removed and that said culture deposit will be replaced should the depository be unable to distribute the sample upon a proper request during the period that extends thirty years from the date of deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest, with the understanding that the availability of a deposit does not constitute a license to practice the subject invention in derogation of patent rights granted by governmental action; and

